

AMENDED IN SENATE MARCH 7, 2005

SENATE BILL

No. 9

Introduced by Senator Denham

December 6, 2004

An act to add ~~Sections 15202.2 and~~ *Section 15202.3* to the Government Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 9, as amended, Denham. Local government finance.

Existing law authorizes counties to apply to the Controller for partial reimbursement of expenses incurred for homicide trials.

The Budget Act of 2004 provides for payment to counties for costs of homicide trials and specifies the procedure for a county to apply to the Controller for that reimbursement under certain criteria.

~~The bill would require the Controller to reimburse a county having a population below a specified level for 100% of the allowable costs in a case in which the trial venue has been changed from that county to a location more than 60 miles from the county seat of that county.~~

This bill would provide that, notwithstanding any other provision of law, funds appropriated by the Budget Act of 2004 shall be available for reimbursement of 100% of the costs incurred by the County of Stanislaus ~~and the City of Modesto~~ for the homicide *investigation and* prosecution of Scott Peterson. The bill would also provide that, notwithstanding any other provision of law, requests for reimbursement of local agency costs for homicide trials shall be reviewed by the Controller prior to payment and would specify standards for reimbursement by the Controller.

The bill would specify that, notwithstanding any other provision of law, funds appropriated from a specified item of the Budget Act of

2004 shall be available for reimbursement of 100% of the costs incurred by the County of Stanislaus for the homicide investigation and prosecution of Scott Peterson.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 15202.2 is added to the Government~~
2 ~~Code, to read:~~

3 ~~15202.2. Notwithstanding any other provision of law, if the~~
4 ~~venue for the trial of a homicide case has been changed from a~~
5 ~~county that is eligible for reimbursement under subdivision (a) or~~
6 ~~(b) of Section 15202 to a location more than 60 miles from the~~
7 ~~county seat of that county, the Controller shall reimburse the~~
8 ~~county from which the venue was transferred for 100 percent of~~
9 ~~the allowable costs incurred by that county.~~

10 ~~SECTION 1. In the 1960s, the state established a policy of~~
11 ~~reimbursing rural local governments for costs of major homicide~~
12 ~~investigations and trials. These reimbursements have been made~~
13 ~~either through special legislation or in the annual Budget Act.~~

14 ~~Investigation and court costs of several counties, for other~~
15 ~~recent major homicide trials including, but not limited to, those~~
16 ~~of Richard Allen Davis, Cary Stayner, and Charles Ng, have~~
17 ~~been reimbursed by the state at a rate of 100 percent.~~

18 ~~In the recent trial of People v. Scott Peterson, Stanislaus~~
19 ~~County and the change of venue county, San Mateo County, have~~
20 ~~had investigative and trial costs exceeding two million dollars~~
21 ~~(\$2,000,000).~~

22 ~~In keeping with the longstanding tradition and practice, the~~
23 ~~state will reimburse the Counties of Stanislaus and San Mateo~~
24 ~~for all investigative and trial costs, not already covered by the~~
25 ~~state's trial court funding process, of People v. Scott Peterson~~
26 ~~that are deemed reasonable and appropriate by the Controller~~
27 ~~pursuant to Section 15202.3 of the Government Code.~~

28 ~~SEC. 2. Section 15202.3 is added to the Government Code, to~~
29 ~~read:~~

1 15202.3. (a) Notwithstanding any other provision of law,
2 requests for reimbursement of local agency costs for homicide
3 trials shall be reviewed by the Controller prior to payment.

4 (b) The Controller shall not reimburse any local agency for
5 costs incurred pursuant to Section 15202 that exceed the
6 California Victim Compensation and Government Claims
7 Board's standards for travel and per diem expenses. The
8 Controller may reimburse extraordinary costs in unusual cases if
9 the local agency provides sufficient justification of the need for
10 these expenditures. Nothing in this section shall permit the
11 reimbursement of costs for travel in excess of 1,000 miles on any
12 single round trip, without the prior approval of the Attorney
13 General.

14 (c) The Controller shall reimburse local agencies for
15 reasonable and necessary expenses incurred pursuant to Section
16 15202, except that reimbursements to a local agency shall not
17 exceed the following:

18 (1) For attorney services, an hourly rate equal to that county's
19 average hourly cost for public defenders, the hourly rate paid to
20 appointed counsel, or the hourly rate charged state agencies by
21 the Attorney General for attorney services, whichever rate is less.

22 (2) For investigators, an hourly rate equal to that county's
23 average hourly cost for county-employed investigators or the
24 hourly rate charged state agencies by the Attorney General for
25 investigators, whichever rate is less.

26 (3) For expert witnesses, the hourly rate that the county
27 generally pays for these services.

28 SEC. 3. ~~(a)~~ Notwithstanding any other provision of law,
29 funds appropriated by Item 8180-101-0001 of *Section 2.00* of the
30 Budget Act of 2004 shall be available for reimbursement of 100
31 percent of the costs incurred by the County of Stanislaus ~~and the~~
32 ~~City of Modesto~~ for the homicide investigation and prosecution
33 of Scott Peterson.

34 ~~(b) Notwithstanding any other section of law, for any county~~
35 ~~with a population of 50,000 or less funds, appropriated by Item~~
36 ~~8180-101-0001 of the Budget Act of 2004 shall be available for~~
37 ~~reimbursement of 100 percent of the costs incurred for the~~
38 ~~conduct of a homicide trial.~~

39 SEC. 4. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety

1 within the meaning of Article IV of the Constitution and shall go
2 into immediate effect. The facts constituting the necessity are:
3 In order to provide the County of Stanislaus, ~~the City of~~
4 ~~Modesto, and certain small counties~~ with urgently needed fiscal
5 assistance at the earliest possible time, it is necessary that this act
6 take effect immediately.